IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1124 OF 2006

The State of Maharashtra ..... Applicant

Versus

S.K. Ghadge ..... Respondent

Mr. S.R. Shinde, APP for the Applicant

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard learned APP for the State. The aquittal of the Respondent is for the offence where breach of Rule 115(3) of the Maharashtra Factories Rules, 1963 punishable under Section 92 of the Maharashtra Factories Act, 1948 has been alleged. The allegation of the prosecution is that the notice of the accident was not issued by the Respondent in terms of Sub Rule 2 of Rule 115 of the said Rules of 1963.

2) The learned Trial Judge, on plain reading of the Rule, has rightly found that the Rule gives an option to the Manager of the Factory either to submit a

report in Form 24 or in Form 16 appended to the Employees' State Insurance (General) Regulations Act, 1950. The finding of the Trial Court on the basis of documentary evidence produced by the prosecution is that there was substantial compliance made by the Respondent by submitting Form 16. The view taken by the learned Trial Judge is a possible view. No case is made out for grant of leave. Application is rejected.

(A.S. OKA, J.)